



**PLANNING COMMISSION SPECIAL MEETING
AGENDA
ROSE ROOM – CREEKMORE PARK COMMUNITY CENTER
11:30 A.M.
FEBRUARY 11, 2013**

I. ROLL CALL

1. Unified Development Ordinance Amendment – Outdoor Advertising (Billboard) Regulations

623 Garrison Avenue
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FORT SMITH, ARKANSAS 72902
(479) 784-2216
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Memorandum

To: Planning Commission
From: Wally Bailey, Director of Development Services
Date: 2/8/2013
Re: Outdoor Advertising Signs

In preparation for the Planning Commission special meeting scheduled for Monday, February 11, 2013, we have included information with this memo for your use. The attachments include the memorandum provided to you and the Board of Directors at the joint meeting on January 22, 2013; a rough draft of an ordinance prepared by Jerry Canfield, City Attorney; and a map showing existing buildings and the proposed buffering requirements.

The proposed ordinance is very preliminary and has some areas that need more information as well as some areas that may not be included in the final product. It is only meant to give us a starting point from which to work.

The map you have in the packet may be difficult to read. We are posting the map on our website so that you can zoom in at areas and better see what is represented. We will also have a larger map and a power point at Monday's meeting which will allow us to zoom in on any particular sign, area or corridor.

In addition to the topics identified in the memorandum and the proposed ordinance there were some topics brought up at the joint meeting on January 22, 2013. Our notes show that there were three (3) items discussed that we will need to include in our discussion. Those items are:

- ▶ Expanding the proposed separation from residentially zoned or developed property from 250 feet to 500 feet.
- ▶ How will we address new signs on the I-49 corridor? (Note the current proposal is to address that through the cap and replace program / sign bank.)
- ▶ What can be done to a non-conforming sign? The basic question is can a non-conforming sign be converted to digital and if so in what circumstances. We are working to determine all existing non-conforming signs and signs that could become non-conforming with the proposed ordinance.

We look forward to this discussion, a quick resolution and a recommendation for the Board of Directors so that we can have a quick end to the current moratorium.

Please contact me if you have any questions.

Memo

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: January 16, 2013
Re: Outdoor Advertising (Billboard) Regulations

As a result of the Board of Directors desire to update the city's signage regulations, planning staff proposed and the Board passed a moratorium on the construction of new outdoor advertising boards and the conversion of static signs to digital signs. Since the moratorium staff organized a group of stakeholders to provide input regarding the proposed regulations. The group consisted of the following individuals:

- ❖ Lorie Robertson – Client Services Executive – Rightmind Advertising;
- ❖ Loyd Childree – President – Clear Channel Outdoor;
- ❖ Ryan Zaloudik – Real Estate Manager – Clear Channel Outdoor;
- ❖ Craig Roberts – Managing Partner – RAM Outdoor Advertising;
- ❖ Chip Paris – Director of Client Services – Williams/Crawford;

The planning staff researched several other city ordinances and determined the issues where our ordinance was lacking on several items. We presented several issues that we have identified as being concerns that need to be addressed in the current regulations. Below are the items we discussed and the results of our discussion on each item. These items will be the baseline for our future discussions and public hearings with the Planning Commission and Board of Directors.

Height of proposed outdoor advertising signs:

The group proposed an addition to the ordinance placing a minimum height requirement of 13' and a maximum height allowance of 45' to be measured from the center/crown of the road. Currently, there is no minimum height and the maximum height requirement is dictated by the individual zoning districts.

Maximum size of outdoor advertising signs:

The maximum size allowed for an outdoor advertising sign is 300 square feet, regardless of location. The group proposed to keep the size allowance on surface (non-interstate) streets at 300 square feet but allow for a size allowance of either 378 or 480 square feet on interstates. The proposed size allowances would be applicable whether the face of the sign would be static or digital. The Board of Zoning Adjustment (PC) approved two variances in 2012 for the 378 square footage.

Distance of signs from residential:

The current ordinance does not place a prohibition on the proximity outdoor advertising signs can be to residential property. The group proposed a distance of 250' from any residential property.

V-Type outdoor advertising signs:

The present ordinance does not allow for the construction of v-type outdoor advertising sign. The group proposed with adequate restrictions to allow v-type signage. The restrictions proposed include the use of degrees and footage to ensure the angle of a v-type sign. Several v type signs already exist. We are currently researching to determine what the correct recommendation should be for the numbers that determine the maximum angle.

Digital signage:

Currently, the ordinance does not have any regulations regarding digital signage. The group proposed to allow digital signage restricting the number of lumens that are emitted from the sign. The Arkansas Highway and Transportation Department has regulations concerning electronic messaging display signs. The regulations include items such as prohibiting animation and changing the message quicker than 7 ½ or 8 seconds. The proposal includes including the AHTD regulations in the city ordinance so that for consistency we would have the same regulations as those applicable to the interstate and state highways.

Number of signs allowed within the city:

The current ordinance does not have a limit on the number of outdoor advertising signs that can be permitted within the city limits. A majority of cities have “cap and replace” provisions within their ordinance. This allows for a set number of billboards to be allowed within the city limits. Once that number is reached, in order to install a new billboard an existing billboard would need to be removed. The group agreed that if possible the billboards in the etj should be included the total number of signs. Also, that we include a banking provision for the sign companies. The sign bank is maintained by the planning department and it provides for a permitting process to ensure the proper replacement and installation of billboard signs. The sign bank regulations include provisions such as the application process, time of application, proper applicant for signs from the sign bank, etc. The group agreed with this proposed addition of a cap and replace program.

ETJ

The group agreed that all the proposed regulations should be written to be applicable within the ETJ.

We will be presenting this discussion to the Board of Directors and Planning Commission at the study session on January 22nd. At the study session we will be seeking further input about any issues that the staff has not researched or discussed with the group.

Further, we discussed with the group that we will be discussing these topics but there may be other topics or concerns that will need to be discussed as a result of the future Planning Commission and Board discussions and public hearings.

Please contact me if you have any questions.

“DRAFT”

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE PROVISIONS OF FORT SMITH UNIFIED
DEVELOPMENT ORDINANCE AND FORT SMITH MUNICIPAL CODE REGARDING
OUTDOOR ADVERTISING SIGNS

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE
CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: That portion of the Fort Smith Unified Development Ordinance codified as
Section 27-704-4 of the Fort Smith Municipal Code is hereby amended to read as follows:

27-704-4 Outdoor advertising signs

- (a) Outdoor advertising signs are to be considered as a specific use, rather than an incidental use to an existing land use, in that outdoor advertising signs produce a revenue to the property owner as a land use while the advertising message carried by business signs does not produce a revenue but is incidental to a revenue-producing land use. Because of the special characteristics of outdoor advertising signs as compared with other types of land uses and structures, certain qualifications and requirements are set forth below in connection with outdoor advertising signs as a permitted use.
- (b) Outdoor advertising signs are permitted in all Industrial zones and in Commercial-4 and Commercial-5 zones. They may be permitted in Open-1 zones if the planning commission approves the specific location through a Conditional Use request (subject to review and denial on appeal to the board of directors).
- (c) No outdoor advertising sign structures of any size shall be permitted to be erected closer than one thousand (1,000) feet from an existing outdoor advertising sign structure which is larger than thirty-five (35) square feet in sign area. No more than four (4) outdoor advertising sign structures (over thirty-five (35) feet in area) per statute mile are permitted. All distances between two sign structures or between any four (4) outdoor advertising sign structures, irrespective of which side of the street one (1) or more of the four (4) structures may be located, shall be measured along a line parallel to the street and from the centers of the closest support poles.

- (d) No outdoor advertising sign shall be permitted to be erected closer than two hundred fifty (250) feet from any residentially zoned or developed property. The distance shall be measured from the property line of the residentially zoned or developed property closest to the subject sign to the center of the nearest support pole of the sign.
- (e) Within six hundred sixty (660) feet of the right-of-way of an interstate highway, no outdoor advertising sign (except back-to-back signs) structure designed to be primarily viewed from the roadway of such interstate highway shall be permitted to be erected closer than five hundred (500) feet to any other such sign structure on the same side of the right-of-way, as measured along a line parallel to such highway, and from the centers of the closest support poles.
- (f) No outdoor advertising sign (whether static or digital) shall be permitted to be erected with a sign area in excess of three hundred (300) square feet along non-interstate streets nor to be erected with a sign area in excess of three hundred seventy-eight (378) square feet on interstates.
- (g) Outdoor advertising signs may be erected with a static face or with a digital face, provided the sign complies with all provisions applicable to outdoor advertising signs. [add limitations on lumens, speed of changing message and prohibition of animation] or [adopt Highway Department regulations]
- (h) V-type outdoor advertising signs are permitted provided the angle of separation of the two sides of the sign is not greater than _____ degrees.
- (i) No outdoor advertising sign shall be permitted to be erected unless it has a minimum height at the lowest portion of the face surface of the sign of at least thirteen (13) feet and has a maximum height at the tallest point on the face surface of forty-five (45) feet, which minimum and maximum heights are to be measured from the elevation of a perpendicular line from the center/crown of the roadway to which the sign is adjacent.
- (j) No portion of an outdoor advertising sign shall be erected in a public right-of-way.
- (k)(1) Subsequent to the adoption of this Ordinance, no new outdoor advertising sign shall be permitted to be erected within the city limits nor within Fort Smith's extra-territorial planning jurisdiction area except as provided herein. This prohibition against new outdoor advertising signs shall apply to all areas within the city limits and the city's extra-territorial planning jurisdiction area including those areas regulated by the Federal Highway Beautification Act (23 U.S.C. 131) or the Arkansas Highway Beautification Act (Ark. Code Ann. § 27-74-101 et seq.). Existing outdoor advertising signs removed or to be removed within thirty (30) days, may be permitted to be replaced by a new sign pursuant to the provisions of (2) below.

- (2) Sign Bank. There is hereby created an outdoor advertising sign permit bank (“Sign Bank”) whereby the city planning department shall maintain a permit on file for the replacement of outdoor advertising signs as allowed under subsection (1) above. The purposes of the Sign Bank and the Sign Bank permitting process are to ensure that the quantity of outdoor advertising signs in the City of Fort Smith and its extra-territorial jurisdiction area does not increase, to ensure proper placement of replaced or relocated outdoor advertising signs, and to prioritize replacement of outdoor advertising signs over relocation.
- A. Proper Applicant. The only proper applicants for a permit from the Sign Bank are: (i) the owner of an outdoor advertising sign that has been removed or will be removed within thirty (30) days;
- B. Time of Application. To be eligible to receive a permit from the Sign Bank, an applicant must file a written notice of removal and application for permit indicating that an existing outdoor advertising sign has been or will be removed no earlier than thirty (30) days before and no later than thirty (30) days after the sign is removed. All applications shall be stamped by the city planning department in a manner indicating the time and date received.
- C. Contents of Application. For an application to be considered, it must contain the following information:
1. name and address of the applicant;
 2. location of sign removed or to be removed;
 3. date the sign was removed or is to be removed;
 4. the proposed location of new sign (proposals to relocate a sign to a location that is not authorized under this Section 27-404-4 will not be considered); and
 5. a statement that the applicant is either the owner of the outdoor advertising sign that has been removed or will be removed within thirty (30) days.
- D. Granting of Permit. If, after the time of application has run, there is only one proper applicant based upon the removal of an identified sign, that person may be issued a permit from the Sign Bank authorizing the replacement or relocation of a removed outdoor advertising sign if all other applicable conditions have been met.
- (l) All outdoor advertising signs shall comply with subsections (a), (b), (h), (i) and (j) of the general regulations set forth in Fort Smith Code Section 27-704-5.

SECTION 2: The provisions of this ordinance are hereby declared to be severable and if any section, phrase, provision, or application shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases, provisions or applications.

SECTION 3: Emergency Clause. It is determined by the board of directors that an emergency

exists by reason of the necessity of regulations of outdoor advertising signs supplemental to the city's regulations which existed prior to this date. Therefore, the provisions of this ordinance being necessary to preserve the health, safety and welfare of the inhabitants of the city and the city's extra-territorial planning jurisdiction area, this ordinance shall be in full force and effect from its adoption.

This Ordinance adopted this ____ day of _____, 2013.

Mayor

ATTEST:

City Clerk

Approved as to form:

City Attorney
Publish One Time

Billboard / Outdoor Advertising Study

